

LOUISVILLE METRO COUNCIL COMMITTEE MINUTES

Planning/Zoning, Land Design & Development Meeting

Tuesday, May 6, 2008

2:10 P.M.

Third Floor, City Hall

Present: **Chairman:** CM Owen
 Vice Chair: CM Stuckel
 Members: CM Heiner, CM Flood, CM Raque Adams, CM Hamilton

Also Present: CM Butler and CM Downard

Special Items for Discussion: NONE

Chairman Owen began the meeting by introducing the members and non-members of the committee that were present. A quorum was established. Chairman Owen left the Chambers at 2:05 p.m. and Vice Chair Stuckel Chaired the meeting during the first item.

AGENDA

[R-70-04-08 A RESOLUTION REQUESTING THE LOUISVILLE METRO DEPARTMENT OF PLANNING AND DESIGN SERVICES TO EXAMINE PLASMA, BLOOD COLLECTION CENTERS AS A LAND USE, AND SPECIFICALLY TO GATHER INFORMATION AND MAKE RECOMMENDATIONS REGARDING WHETHER PLASMA, BLOOD COLLECTION CENTERS, AS A LAND USE, CREATE ADVERSE IMPACTS TO ADJACENT PROPERTIES AND SURROUNDING AREAS THAT WERE NOT ANTICIPATED WHEN PLASMA, BLOOD COLLECTION CENTERS WERE ORIGINALLY DESIGNATED AS A PERMITTED USE IN THE C-2 COMMERCIAL ZONING DISTRICT.](#)

Status: In-Committee
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Marianne Butler

Motion to Approve was made by Cheri Bryant Hamilton and seconded by Julie Raque Adams

Discussion: CM Butler spoke stating this resolution is asking the Planning Commission to review and see if it is proper for Plasma Centers to be in a C-2 Commercial Zoning District. The following was discussed:

- The Planning Commission would review, research, hold Public Hearings and then report the determination back to the Council
- C-2 Usages are already being looked at in the Land Development Code
- The Committee would like to see the recommendations before they are presented as an Ordinance or Resolution
- Time table – hopefully a 60 to 80 day window

This item was sent to the **Consent Calendar**.

VOTING RESULTS: For: 5; Against: 0; Abstain: 0; Absent: 1

For: Hal Heiner, Cheri Bryant Hamilton, Glen Stuckel, Julie Raque Adams, Madonna Flood

Against: (None)

Abstain: (None)

Absent: Tom Owen

Chairman Owen returned to the Chambers at 2:18 p.m. and resumed Chairing the Meeting.

[O-56-03-08 AN ORDINANCE AMENDING CHAPTER 97 OF THE LOUISVILLE/JEFFERSON CODE OF ORDINANCES \(LMCO\) RELATED TO STREETS AND SIDEWALKS AND AMENDING THE LAND DEVELOPMENT CODE \(LDC\) RELATED TO DWELLINGS.](#)

Status: In Committee - Tabled
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: James Peden

Motion to Approve was made by Cheri Bryant Hamilton and seconded by Hal Heiner

Discussion: Motion to Amend by Substitution was made by Julie Raque Adams and seconded by Hal Heiner

The Amendment passed.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 0

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Julie Raque Adams, Madonna Flood
Against: (None)
Abstain: (None)
Absent: (None)

The following was discussed:

- This is an Ordinance amending Chapter 97 of the Louisville Metro Code of Ordinance and adopting a resolution by Ordinance
- Ordinance being unclear
- Committee wants to have a definition of Dwelling and Dwelling Unit
- Possible separation of the Ordinance

Motion to Table was made by Cheri Hamilton and seconded by Hal Heiner

This item was **Tabled**.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 0

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Julie Raque Adams, Madonna Flood
Against: (None)
Abstain: (None)
Absent: (None)

[O-74-04-08 AN ORDINANCE CHANGING THE ZONING FROM R-5A MULTI-FAMILY RESIDENTIAL TO CN COMMERCIAL NEIGHBORHOOD ON PROPERTY LOCATED AT 5136 POPLAR LEVEL ROAD, CONTAINING A TOTAL OF 4.1 ACRES, AND BEING IN LOUISVILLE METRO \(CASE NO. 9669\).](#)

Status: In-Committee
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Motion to Approve was made by Cheri Bryant Hamilton and seconded by Glen Stuckel

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on March 20, 2008. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Shanklin's District. A power point presentation was given. The following were items of discussion and concern:

- Design and materials
- Office, Condos and Bank
- Arterial roadways
- Access
- Parkway Buffer
- Storm water retention and drainage

This item was sent to **Old Business**.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 0

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Julie Raque Adams, Madonna Flood

Against: (None)

Abstain: (None)

Absent: (None)

[O-75-04-08 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE-FAMILY RESIDENTIAL TO C-2 COMMERCIAL ON PROPERTY LOCATED AT 13700 OLD HENRY FARM COURT, CONTAINING A TOTAL OF 3.99 ACRES, AND BEING IN LOUISVILLE METRO \(CASE NO. 9419\).](#)

Status: In-Committee

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

Motion to Approve was made by Julie Raque Adams and seconded by Cheri Bryant Hamilton.

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on March 20, 2008. One spoke in opposition and three spoke neither for nor against. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Heiner's District. A power point presentation was given. The following were items of discussion and concern:

- Structure to be removed - not historic in nature
- Access
- Will allow construction of restaurants and/or outdoor alcohol sales
- Traffic and Traffic improvement installation

CM Heiner, District representative, spoke regarding the following:

- Drive-in Restaurants
- Traffic Study basis
- Dumpster placement and buffering
- Irrigation
- Moving sign number 2 to the front door of the restaurant

Per CM Heiner's request, the County Attorney is to hold a meeting with Attorneys and interested parties addressing his concerns before the next Committee Meeting which will be on May 20, 2008.

Motion to Table was made by Julie Raque Adams and seconded by Hal Heiner.

This item was **Tabled**.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 0

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Julie Raque Adams, Madonna Flood

Against: (None)

Abstain: (None)

Absent: (None)

[O-83-04-08 AN ORDINANCE CHANGING THE ZONING FROM R-4, SINGLE-FAMILY RESIDENTIAL TO C-1, COMMERCIAL ON PROPERTY LOCATED AT 5911 SOUTH WATTERSON TRAIL, CONTAINING A TOTAL OF 6.3 ACRES AND BEING IN LOUISVILLE METRO \(CASE NO. 9153\).](#)

Status: In-Committee

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

Motion to Approve was made by Julie Raque Adams and seconded by Cheri Bryant Hamilton.

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on April 3, 2008. Five spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Engel's District. A power point presentation was given. The following were items of discussion and concern:

- Retail center and bank
- No non residential uses at present
- Prohibited uses
- Landscaping
- Perimeter fencing
- Traffic
- Noise Pollution
- Hurstbourne Corridor Study
- Restrictions and requirements of Parkway Status
- Access and entrances
- Specific alignment of the road was not know at the time of the Hurstbourne Corridor Study
- Electrical Lines

CM Hamilton left the Chambers at 3: 20 p.m.

CM Flood asked if a graphic could be attached to a binding element with Planning and Design Services for easier research. Dawn Warrick, DPDS, stated that it could.

Chairman Owen stated he talked with CM Engel and CM Engel is in agreement with this zoning change.

Motion to Table was made by Hal Heiner and seconded by Julie Raque Adams.

This Ordinance was **Tabled**.

VOTING RESULTS: For: 5; Against: 0; Abstain: 0; Absent: 1

For: Hal Heiner, Tom Owen, Glen Stuckel, Julie Raque Adams, Madonna Flood

Against: (None)

Abstain: (None)

Absent: Cheri Bryant Hamilton

[O-81-04-08 AN ORDINANCE CHANGING THE ZONING FROM R-4, SINGLE FAMILY RESIDENTIAL TO PDD, PLANNED DEVELOPMENT DISTRICT ON PROPERTY LOCATED AT 8708 BROWNSBORO ROAD, CONTAINING A TOTAL OF 30.25 ACRES AND BEING IN LOUISVILLE METRO \(CASE NO. 9344\).](#)

Status: In-Committee

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

Motion to Approve was made by Glen Stuckel and seconded by Hal Heiner.

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on April 3, 2008. One spoke in opposition and 5 spoke as other. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Downard's District. A power point presentation was given. The following were items of discussion and concern:

- Dwelling size 2,200 square feet minimum in A and 1,200 square feet minimum in B & C
- 170 units
- Setbacks
- Heights of the structures and frontage
- Cell Tower on property
- Compatibility
- Landscape, Buffering, fencing, and open space
- Private roads within the project
- Access

- Developer will install a center turn lane and right turn lane
- Drainage
- Traffic
- Transitions and buffers
- No attached units in section A
- Sections B and C will allow attached and detached units
- Site setbacks

CM Hamilton returned at 3:40 p.m.

CM Downard, District representative, stated his concerns regarding the following:

- Flooding
- A Drainage basin
- A Retention pond
- No sidewalks
- Traffic

This Ordinance was sent to **Old Business**.

For: 7; Against: 0; Abstain: 0; Absent: 0

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Julie Raque Adams, Madonna Flood, Kelly Downard

Against: (None)

Abstain: (None)

Absent: (None)

[O-84-04-08 AN ORDINANCE CHANGING THE ZONING FROM R-4, SINGLE-FAMILY RESIDENTIAL TO R5-A, MULTI-FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 10407 AND 10501 SEATONVILLE ROAD, CONTAINING A TOTAL OF 18.9 ACRES AND BEING IN LOUISVILLE METRO \(CASE NO. 9624\).](#)

Status: In-Committee

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

Motion to Approve was made by Hal Heiner and seconded by Glen Stuckel.

CM Hamilton left at 3:48 p.m.

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on April 3, 2008. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Engel's District. A power point presentation was given. The following were items of discussion and concern:

- Tract 1 has 84 patio homes
- Tract 2 has 14 single family lots
- Improvements along Seatonville Rd
- Sidewalks
- Open space
- Tree canopy
- Speed limits and traffic
- Density

This item was sent to **Old Business**.

VOTING RESULTS: For: 5; Against: 0; Abstain: 0; Absent: 1

For: Hal Heiner, Tom Owen, Glen Stuckel, Julie Raque Adams, Madonna Flood

Against: (None)

Abstain: (None)
Absent: Cheri Bryant Hamilton

[O-85-04-08 AN ORDINANCE CHANGING THE ZONING FROM C-1, COMMERCIAL TO EZ-1, ENTERPRISE ZONE ON PROPERTY LOCATED AT 1600-1606 WEST MARKET STREET, CONTAINING A TOTAL OF 0.51 ACRES AND BEING IN LOUISVILLE METRO \(CASE NO. 9327\).](#)

Status: In-Committee
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Motion to Approve was made by Hal Heiner and seconded by Madonna Flood.

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on April 3, 2008. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Tandy's District. A power point presentation was given. The following were items of discussion and concern:

- To allow additional uses - electric motor repair
- Addition to the building
- Expansion of use as well as structure
- Use is compliant of the Form District and is compatible

This Ordinance was sent to **Old Business**.

VOTING RESULTS: For: 5; Against: 0; Abstain: 0; Absent: 1

For: Hal Heiner, Tom Owen, Glen Stuckel, Julie Raque Adams, Madonna Flood,
Against: (None)
Abstain: (None)
Absent: Cheri Bryant Hamilton

[O-72-04-08 AN ORDINANCE CHANGING THE NAME OF THE EXISTING STREET, FAMILY DRIVE, FROM ITS NORTHERLY INTERSECTION WITH DUTCHMAN'S LANE AND RUNNING NORTHERLY 256.24 FEET TO ITS TERMINUS, TO KLEMPNER WAY; SAID ROAD BEING LOCATED IN LOUISVILLE METRO \(CASE NO. 10715\).](#)

Status: In-Committee
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Discussion: This item was **Held** in Committee.

[O-73-04-08 AN ORDINANCE CHANGING THE ZONING FROM R-7 MULTI-FAMILY RESIDENTIAL TO C-1 COMMERCIAL ON PROPERTY LOCATED AT 7712 SHEPHERDSVILLE ROAD, CONTAINING A TOTAL OF 2.02 ACRES, AND BEING IN LOUISVILLE METRO \(CASE NO. 8415\).](#)

Status: In-Committee
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Discussion: This item was **Held** in Committee.

[O-82-04-08 AN ORDINANCE CLOSING MAPLE STREET, A 50-FOOT RIGHT-OF-WAY, BEGINNING AT A POINT SOUTH OF 15TH STREET AND BROADWAY, RUNNING EAST 390.25 FEET FROM ITS EASTERN INTERSECTION WITH 15TH STREET TO 14TH STREET AND THE IC RAILROAD RIGHT-OF-WAY, CONTAINING A TOTAL OF 19.619 SQUARE FEET BEING IN LOUISVILLE METRO \(CASE NO. 8489\).](#)

Status: In-Committee
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Discussion: This item was **Held** in Committee.

[O-76-04-08 AN ORDINANCE AMENDING CHAPTER 4 OF THE LAND DEVELOPMENT CODE TO ADD PART 9, PERTAINING TO THE KARST DEVELOPMENT REGULATIONS \(CASE NO. 9906\)](#)

Status: In-Committee

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

Discussion: This item was **Held** in Committee.

[O-49-03-08 AN ORDINANCE AMENDING CHAPTER 4, PART 3 OF THE LAND DEVELOPMENT CODE TO ALLOW DAY CARE CENTERS AS A PERMITTED USE WITH SPECIAL STANDARDS WITHIN THE M-1 INDUSTRIAL ZONING DISTRICT \(CASE NO. 10416\).](#)

Status: In Committee - Held

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

Discussion: This item remained **Held** in Committee.

Motion to Adjourn was made by Hal Heiner .

***NOTE: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council Meeting on May 15, 2008.**

Without objection the meeting adjourned at 3:58 p.m.

KQG